

Environmental Planning and Historic Preservation (EHP) Program

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Grants Program Directorate (GPD)

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- Agenda
 - Introduction to EHP Compliance
 - GPD EHP Review Process
 - How to make the EHP Review go smoothly
 - Questions



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Why is EHP Review Required?

- The National Environmental Policy Act of 1969 (NEPA) requires that the Federal Government examine the proposed impacts of its actions before project implementation:
 - This applies to all grant-funded actions
 - NEPA does not mandate preservation, only informed decision-making
- NEPA serves as an “umbrella regulation” and provides a process which other EHP laws and regulations can be considered.
- State processes cannot replace Federal requirements. However, materials prepared for state compliance may be submitted with the EHP Review Packet for the Grant Programs Directorate (GPD).
- EHP compliance requirements have always been included in the special conditions and the grant guidance kits.



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Environmental Laws and Executive Orders

National Environmental Policy Act (NEPA), (1969)

Biological Laws:

- Endangered Species Act (ESA), 1973
- Fish and Wildlife Coordination Act (FWCA), 1934
- Migratory Bird Treaty Act (MBTA), 1918,
- Bald and Golden Eagle Protection Act (BGEPA), 1940
- Magnuson-Stevens Fishery Conservation Act (FCA), 2006
- Executive Order (EO) 13112 Invasive Species (1999)

Socioeconomic Laws:

- Farmland Protection Policy Act (FPPA), 2007
- EO 12898 Environmental Justice (1994)

Historic Properties:

- National Historic Preservation Act (NHPA), 1966



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Environmental Laws and Executive Orders (Continued)

National Environmental Policy Act (NEPA), 1969

Water Resources Laws:

- EO 11988 Floodplain Management (1977)
- EO 11990 Protection of Wetlands (1977)
- Clean Water Act (CWA) (1972)
- Wild and Scenic Rivers Act (WSRA), 1968

Coastal Laws:

- Coastal Barrier Resources Act (CBRA), 1982
- Coastal Zone Management Act (CZMA), 1972

Pollution Control and Debris Management:

- Clean Air Act (CAA), 1970
- Resource Conservation and Recovery Act (RCRA), 1976
- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 1990



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Importance of Compliance

Compliance

- Protection of natural and cultural resources
- Improved project planning
- Cost efficient
- Programmatic and financial compliance
- Efficient project implementation
- Improved community relations

Non-Compliance

- Project delays
- De-obligation of funding
- Negative publicity
- Civil penalties
- Lawsuits



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What is an EHP Review?

- All projects funded with FEMA preparedness grant dollars must comply with EHP laws, regulations, and Executive Orders and be certified by GPD
- An analysis of pertinent project information by GDP-EPH to determine:
 - If the project activities have a potential to impact environmental or historic resources
 - If there are any consultation requirements per EHP compliance regulations
- Projects must receive EHP approval *before* initiation by GPD
- Grantees must provide all relevant EHP materials to GPD via the GDP-EHP Mailbox at gpdehpinfo@dhs.gov



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Other FEMA-EHP Documents

- 44 CFR Part 10 – FEMA’s NEPA Implementing Regulations
- Information Bulletin # 271 (December 5, 2007) – Requirements of the EHP Review Process for Grants
- Information Bulletin # 329 (September 2, 2009) – Further guidance on the GPD EHP Review Process and Introduction of the EHP Screening Form
- Information Bulletin # 345 (September 9, 2010) – Information on the GPD Programmatic Environmental Assessment (PEA)
- Information Bulletin # 351 (January 14, 2011) – Advisory Council on Historic Preservation’s (ACHP) Program Comment
- Information Bulletin # 356 (February 17, 2011) – Revised EHP Screening Form



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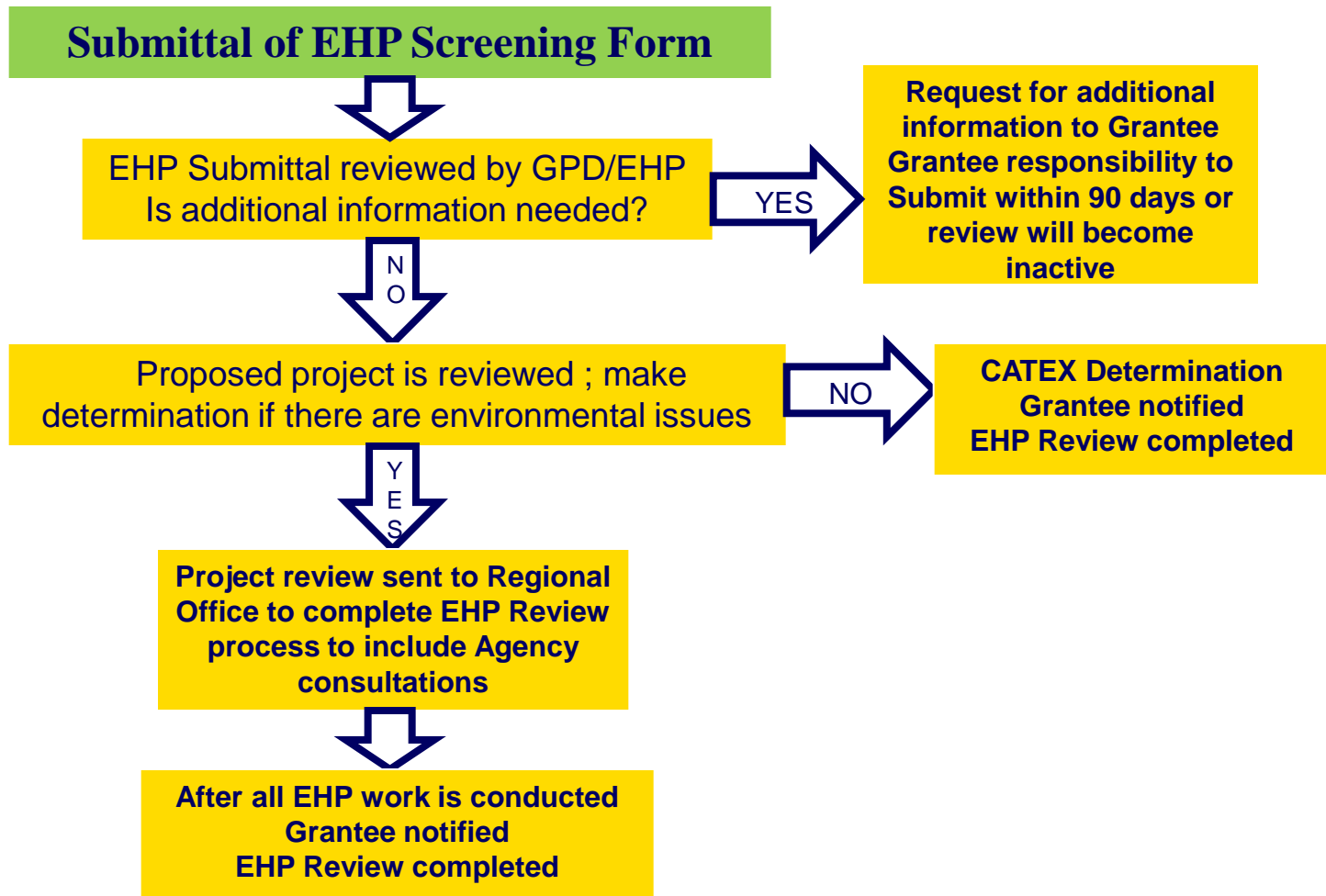
What to Expect With A GPD EHP Review Process

- Complete and submit EHP Screening Form and information to GPD/EHP
- Grantee will receive confirmation and project ID number within 5 to 10 business days
- GPD EHP reviews EHP packet. Notifies grantee if additional information is needed within 10 to 15 business days of initial receipt
- GPD/EHP completes compliance review and makes a determination within
15 to 25 days of initial receipt, the outcome will be (CATEx or sent to the Regional Environmental Office for further review)
- Grantee and PA notified of GPD-EHP review results



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Example of the EHP Review Process



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EHP Determinations

- No extraordinary circumstances identified
 - No potential impacts to resources
 - No Agency consultation requirements
 - Review completed at GPD
 - Categorical Exclusion (CATEX) under 44 CFR Part 10
- Extraordinary circumstance identified
 - Potential impacts to resources
 - Agency consultations required



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EHP Determinations (Continued)

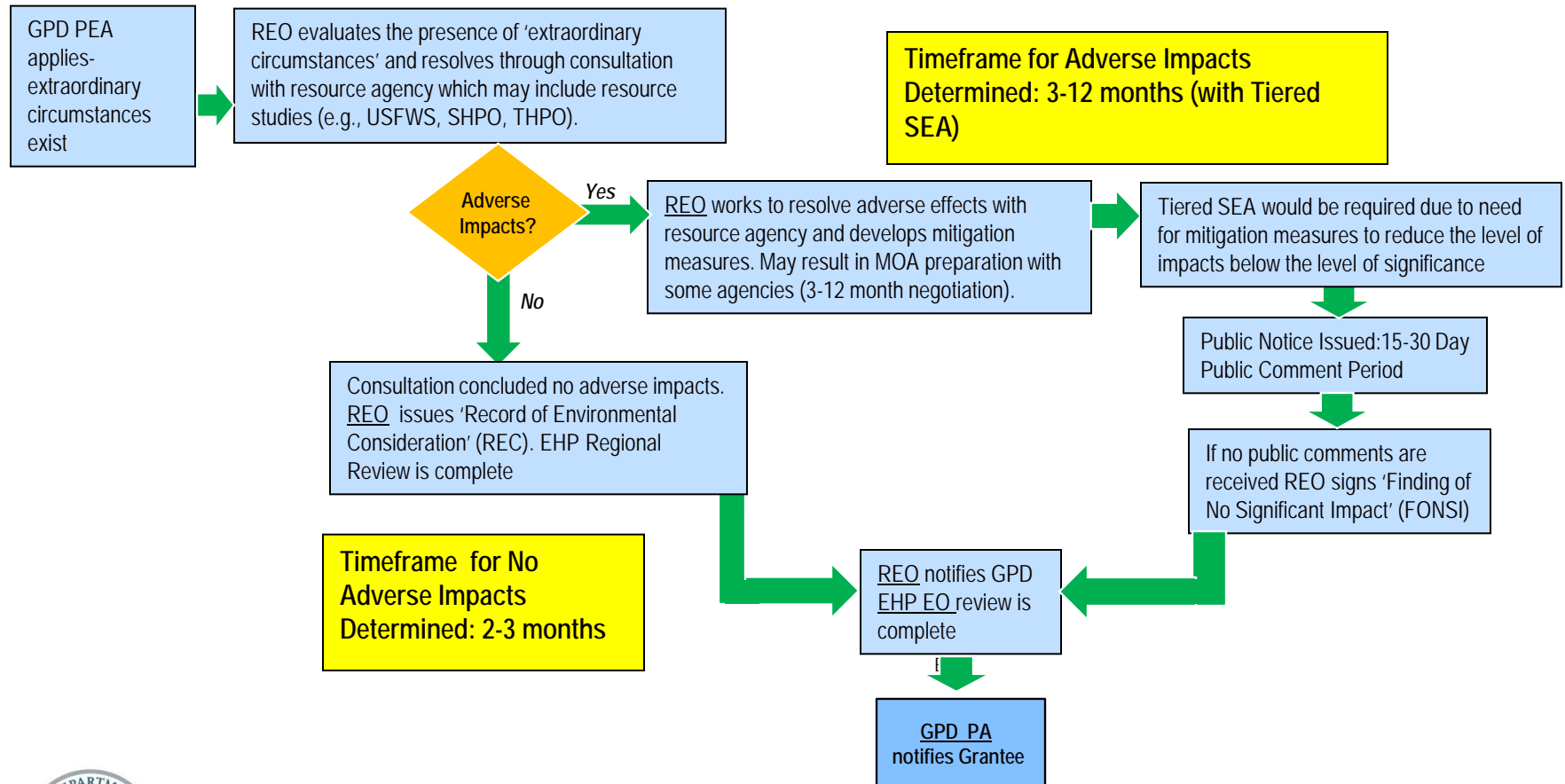
- Review completed by Regional Environmental Officer (REO)
 - No Adverse Effect to resources
 - Programmatic Environmental Assessment (PEA)
 - Adverse Effect to resources
 - Tiered Environmental Assessment (TEA)
 - Stand Alone Environmental Assessment (SEA):
 - Construction of Towers over 200 ft in height
 - Large construction projects



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Consultation Process – GPD Programmatic Environmental Assessment (PEA)

Example: Installing Cameras on a Historic Structure

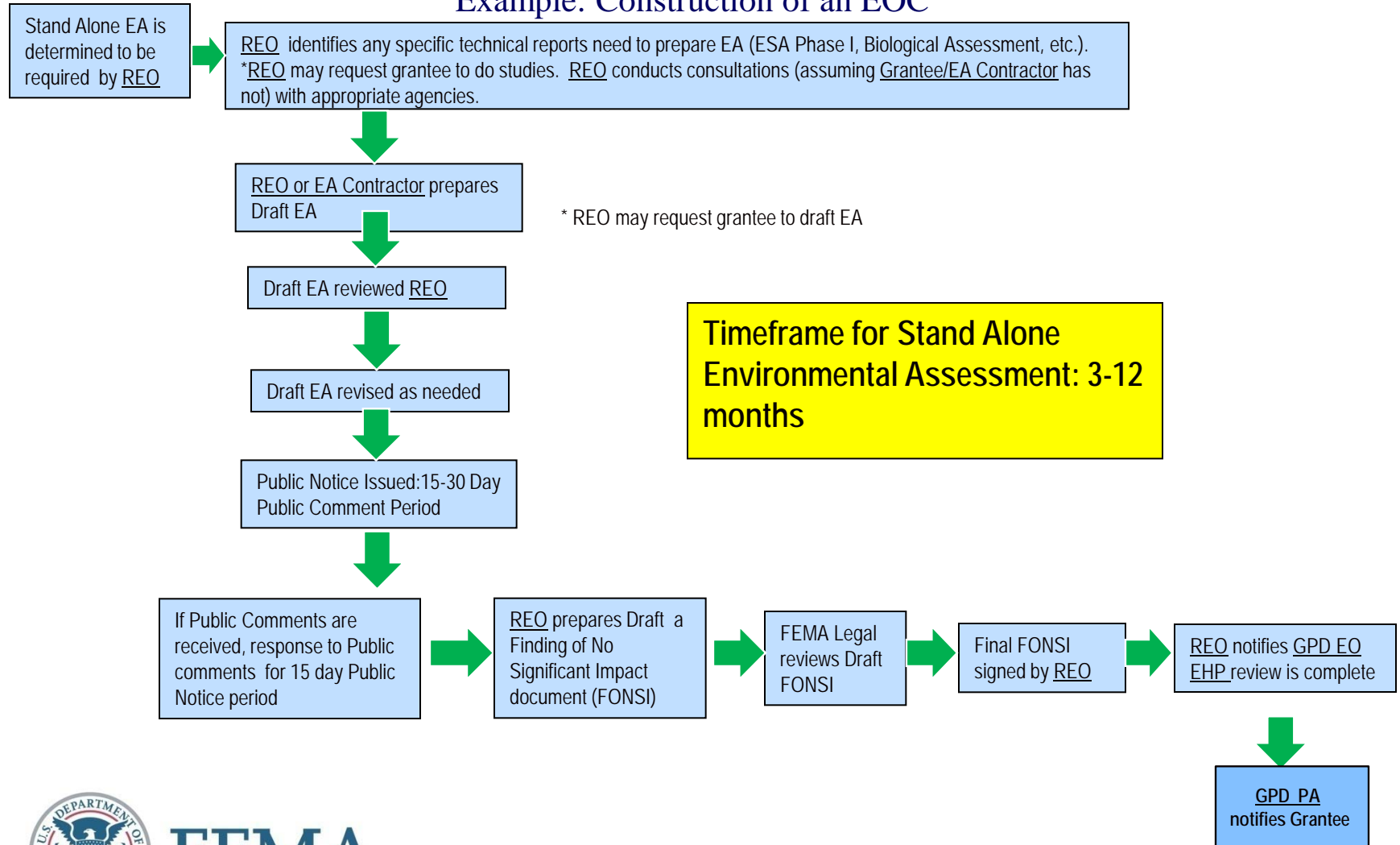


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Consultation Process: Stand Alone Environmental Assessment (EA)

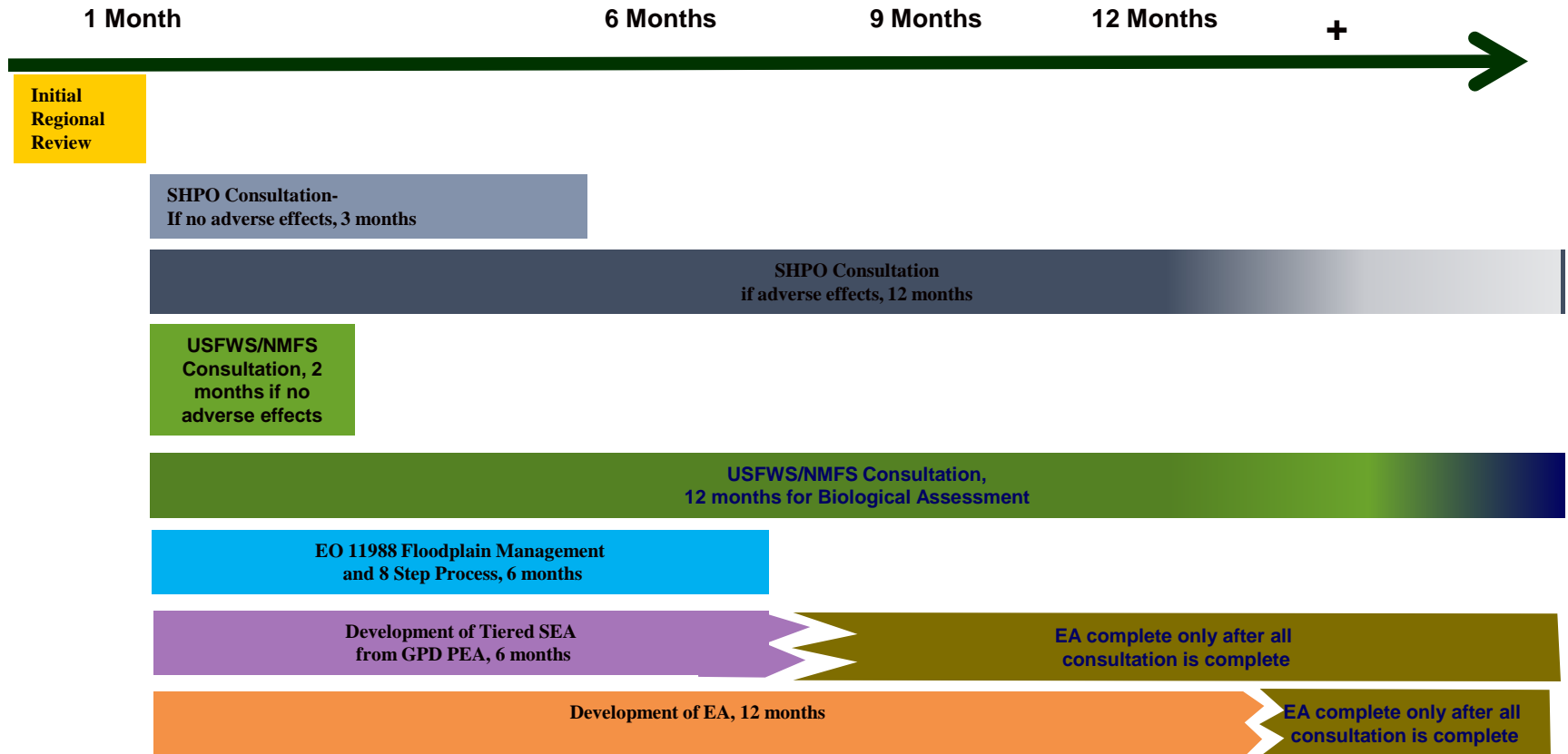
Includes the complying of an analytical report which includes Agency consultations

Example: Construction of an EOC



Overall Regional EHP Compliance Review Timeline

These timelines assume that the Region is provided a complete and accurate scope of work. If the Regions need additional information in order to complete an EHP review, this will add to the review times listed below.



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How to Make EHP Reviews Go Smoothly

- Complete the GPD EHP Screening form and include:
 - Project Location: Physical address of structure/facility or if no address is available the lat/long (GPS coordinates); include a project location map (aerial)
 - Point of Contact
 - Date the structure involved was constructed; age of building
 - Detailed scope of work; what you are doing, where you are doing it, and how you are doing it.
 - Clear labeled color photographs (ground-level) showing the exact location of activities. Example: location where cameras will be installed on a building



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How to Make EHP Reviews Go Smoothly (Continued)

Include in the GPD EHP Screening form:

- Ground Disturbances: Dimensions/acreage/square footage of structure and/or land affected; submit a project site map with areas and activities labeled
- Identify any equipment or material staging areas
- Submit design drawings if possible showing where equipment will be installed or for construction activities.



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The Good, the Bad, and the Ugly

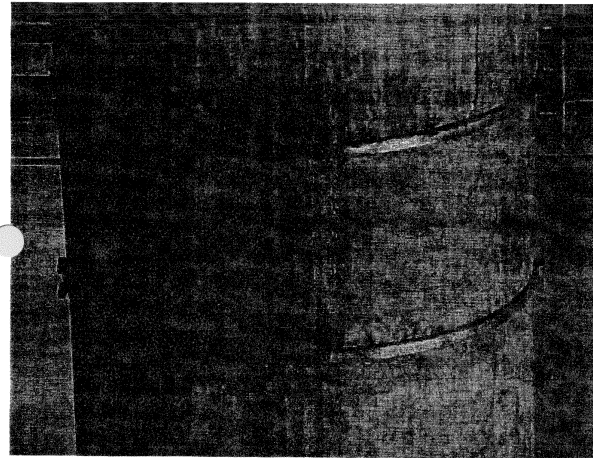
The Good



The Bad



The Ugly



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Showing the “What” and “Where”

- Example of detailed site plan
- Give narrative including dimensions of ground disturbances

Complete the GPD EHP

Screening form and include:

- Ground Disturbance for fencing
 - Chain link
 - 43 posts set 5' feet apart
 - posts placed 2' in depth



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Questions?



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